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Opinion Poll Shows Bigger Vote for Neutralization Than Extension of The War

A Louis Harris opinion poll (Washington Post, March 30) reported a bigger vote for ending the war in Vietnam by neutralizing the South than for extending it by air strikes against the North. On neutralization: 35% were in favor, 28% opposed and 37% not sure. On extending the war: only 26% were in favor, 45% opposed and 29% not sure. "Back of this reluctance to carry the military campaign to North Vietnam," Harris wrote, "is the added fact that no more than 3 in every 10 have been recorded as willing to risk war with Red China or Vietnam."

Apparently the six Senators who have spoken up for neutralization are more representative than their numbers indicate. If a third of the people are for neutralization and another third "not sure" despite State and Defense Dept. propaganda, it is clear the President could mobilize strong support for ending the war on the basis of free elections in a neutral South Vietnam.

McNamara seems to have other plans. A Washington Star editorial the day this poll was published reported McNamara had said "privately on Capitol Hill" that if the war did not take a turn for the better in about six months (right after November, perhaps?) it would be extended. The idea of first consulting Congress or the country does not seem to have occurred to the Pentagon's computers.

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What Fulbright, Too, Does Not Dare to Think

Behind the scenes, even more than in public, Senator Fulbright has long been a civilizing influence. He was the one voice in opposition at the inner Kennedy council on the eve of the Bay of Pigs. He has tried to inject some common sense and humanity into the boy scoutish delusions about the efficacy of counter-guerrillas which continue to dominate our bankrupt Southeast Asia policy. Now, in the stuffy, closed room of official U.S. foreign policy discussion, his speech comes as a welcome breath of fresh air. But judged by the standards of the outside world, and the world of the outsiders, the really free world, the world which is not chained by respectability to cold war clichés, the speech only illustrates how backward U.S. thinking is. Fulbright challenges the country to "start thinking some 'unthinkable' thoughts" but he himself does not dare rethink some of the basic "unthinkables" of our foreign policy. We offer a few samples:

The Tale of Two Canals

1. *Panama,* where Fulbright was at his best. Isn't it time we dared to think through the parallel with Suez? In 1956 when England, France and Israel invaded Egypt after Egypt seized that canal, we joined Moscow in forcing their withdrawal. Our oil companies did not want their relations with the Arab countries disturbed. In the case of both canals, rights had been imposed by force and chicanery in an earlier era. We allowed Egypt to expropriate British and French investors in the Suez Canal. We refuse to recognize Panama's right to a revision of the archaic terms of our own property in the Panama Canal. In the rest of the world this looks like a typical case of Big Power double standards, willing to be liberal but only about other peoples' property.

2. *Cuba,* where Fulbright is feeble. Even he does not dare ask us to measure our conduct against that of other Western powers. Holland in Indonesia, Belgium in the Congo and France in Algeria lost far more than we did in Cuba. Yet only a few days ago, without waiting for payment on seized Dutch properties, the Netherlands have resumed trade talks with Sukarno. The Belgians are supplying technical aid to the Congo. France has suffered from Ben Bella far more than we have suffered from Castro; three generations of Frenchmen were uprooted from their homes in Algeria. Yet de Gaulle continues to aid Ben Bella, who is much the same kind of radical socialist nationalist as Castro.

If de Gaulle had treated Ben Bella as we treat Castro, if he had cut off all aid and called on NATO to join him in a trade embargo, he would long ago have forced Ben Bella into the Soviet camp and brought into being a Soviet bridgehead on the other side of the Western Mediterranean, as we did by our folly in the Caribbean. De Gaulle would have poisoned his relations with Africa and the rest of the Arab world by prolonging a struggle against Arab nationalism he was wise enough to see he could not win.

We saw all this clearly—elsewhere. We supported the anti-colonial struggle in Algeria, in the Congo and in Indo-

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The CIA, Like George III

FULBRIGHT: I agree that an element of civil war is involved, but a very strong element of outside interference is also involved. Such facts are difficult to document, but studies have been made. A CIA commission has made a study of the situation. It has been confirmed that the source of much of the trouble is North Vietnam. . . .

MORSE: I suppose we ought to have some appreciation of the British viewpoint at the time of the American Revolution, when the British did not look with favor upon the French assistance to the American Colonies. . . . The fact that one group in South Vietnam is obtaining assistance from North Vietnam and another group is obtaining assistance from the U.S. does not change in the slightest degree the fact that it is a civil war. . . . We do not like the sources from which the Vietcong are getting assistance and the Vietcong do not like the sources from which the South Vietnamese are getting assistance. But it is still a civil war.

—In the Senate, March 25.

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Some Myths and Realities That Fulbright Overlooked in Southeast Asia

Morse Challenges Johnson to Extend His Peace Policy to Vietnam

By Senator Wayne Morse*

The President said yesterday [in his speech to the AFL-CIO Building Council] that today finds us just where we were 10 years ago in South Vietnam. But that is not quite true. We are $2 billion poorer for the economic aid we have put into that area of 14 million people and we are an unknown amount poorer for the military aid we have put in. We have added 15,000 U.S. troops to the ante since 1954. Over 200 Americans have been killed there. Even so, the military and political situation has deteriorated.

We are there we say at the invitation of the South Vietnamese government. But that government is our own creature. We know it and the world knows it. One might as well try to claim that the Soviet Army is in East Germany only at the invitation of the East German Government. A puppet is a puppet, and South Vietnam has not had more than a U.S. puppet government in its 10 years of existence.

"Forever" Called Optimistic

The most optimistic American forecast for South Vietnam was made by the Secretary of Defense when he said that we would aid that country 'forever.' If the policy stated by the Secretary of Defense is the policy of the Johnson Administration in South Vietnam, then every President 10 years, 20 years, 50 years from now will find himself where Eisenhower and Johnson found themselves. But the price will go up every decade just to keep the U.S. in the same place.

The President does not believe it necessary to send Marines into Cuba. Why, then, does the President believe it necessary or desirable to send our Special Forces to South Vietnam?

We took a tiger by the tail 10 years ago and no one in high office knows how to let go of it. So we call that a commitment. What is really meant is face and prestige. We backed a puppet there 10 years ago and we are afraid the world will laugh at us if we recognice that it has been a flop.

There are no Chinese soldiers fighting in Vietnam; there are no Russian soldiers. The only foreign troops are Americans. Every time an American dies in Vietnam, the flag should be lowered to half mast over the Capitol, over the White House, over the State Department and over the Pentagon because those boys are dying in the execution of a unilateral policy that no longer has a direct bearing on the defenses of the United States. I am satisfied that once the American people obtain the facts about American foreign policy in South Vietnam, they will repudiate the policy.

President Johnson said yesterday, 'And that is why we must follow the Prophet Isaiah many, many times before we send the Marines, and say, 'Come now and let us reason together.'

Mr. President, when is the United States going to apply your words to Vietnam?

*Abridged from a Senate speech March 25 in which he took issue with Fulbright's support for the war in Vietnam.

Low Blow and Lame Apology

"One would think that the State Dept. would recognize that it had been damaged enough by the application of the tactics of McCarthyism not to resort to the use of the same tactics. The Secretary of Sate last night in Salt Lake City out McCarthyed McCarthy.

"I find in the press report of Secretary Rusk's speech that he applied the word 'quitters' to those of us who disagree with our present policy in South Vietnam. The Secretary is further quoted as saying, 'That is what the Communists want most. Their favorite slogan is "Yanks, Go Home." Insofar as anybody here or abroad pays attention to the quitters, they are giving aid and comfort to our enemies.'

"The Secretary of State knows very well that he is using the phrase which defines treason in our Constitution. Mr. Rusk would not use these disreputable tactics if our policies could withstand logical analysis."

—Morse (D. Ore.) in the Senate March 20 (abridged).

"I was thinking of the mail I get at the State Department."

—Rusk's lame apology on Face The Nation March 22.

"American citizens, be they U.S. Senators or any other citizen, should have the right to make such protests without having a Secretary of State call them quitters or traitors."

—Morse replying in the Senate March 23.

Does Our Civilian Right Hand Know What Our Military Intelligence Left Hand is Doing?

"Moscow, March 27 (UPI)—The Soviet Union, in announcing the release of the RB-66 officers, asserted for the first time today that it had photographic evidence on which to try the fliers as spies. An official statement said the fliers were being released because the U.S. had expressed its 'regrets' and had given assurances there would be no more such overflights."

—New York Times, March 28.

Q. Mr. Secretary was the release of the two American fliers today in any way contingent upon public assurances on the part of the U.S. that there would be no longer any overflights over Communist territories?

A. Well, it is not a contingency (sic) because that does not lend itself to a condition. We have already indicated that we recognize that this plane was where it was not supposed to be, and we have also indicated that we have taken additional measures to try to prevent this kind of straying in the future. But this is not a condition in any sense. . . .

Q. Mr. Secretary . . . what about the Russian claim that they have evidence that the fliers were spying?

A. . . . We are ourselves convinced because we know what their instructions were . . . that they were not engaged in any mission over East Germany. Now, it is true this was a tactical reconnaissance aircraft as a member of a tactical reconnaissance squadron. It had certain equipment on board. And I suppose the Russians looked at this pretty hard. But I think I will just leave it at that, until we have a chance to talk with these fliers and find out exactly what happened because it is, quite frankly, a little mysterious as to how they could be that far off course."

—Secretary of State Rusk's press conference March 27.

"The President said he had given instructions to the Defense Department 'and followed through very, very vigorously' on the necessity for pilots to 'observe the corridor assigned to American planes flying over East Germany.' His purpose was to prevent another incident."

—Washington Post from Austin, Tex., March 29.

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Justice Department Courageously Sides Against Expropriated U.S. Sugar Interests

Behind The Miracle of A Supreme Court Decision Upholding Cuba

Conclusions rather uncomplimentary to democracy flow from the Supreme Court's decision in the Cuba sugar case. How much more wisely men can act when they are not subject to the ignorant passions of the majority and when they are supported by a great tradition, that of the law! It is something of which we can be proud that, in the midst of the mania which has seized this country on the subject of Castro, the Supreme Court should rule 8-to-1 in Cuba's favor and against U.S. investors he expropriated. No elected official would dare hand down such a judgment.

There could hardly have been a more unequal contest. On one side, filing briefs amicus on behalf of the U.S. sugar interests involved, were some of the stuffiest and most expensive leaders of our bar. On the other side was the firm of Rabinowitz & Boudin, a team famous for its civil liberties work.

Et Tu, Mr. Justice Harlan?

The lower courts had upheld the claim of expropriated U.S. sugar interests to $175,000 in Cuban sugar receipts on deposit in New York banks. Those judges ruled that our courts have a right to treat foreign expropriation decrees as invalid "if in violation of international law." The Supreme Court was asked to uphold these rulings by the big guns of the corporate bar, concerned with oil, sugar and other clients who fear expropriation elsewhere. It must have been painful to them to lose 8-to-1 (only Mr. Justice White took their point of view) and to have the opinion written by Mr. Justice Harlan, a Wall Street corporation lawyer before his elevation to the bench. Even Holmes could not have been more Olympian in his detachment and insight (see box below).

Another marvel occurred during argument. The No. 2 man of the Justice Department, Deputy Attorney General Katzenbach appeared to ask that the lower courts be reversed, Cuban law upheld and the act of state doctrine reaffirmed. This ancient Anglo-American doctrine holds that the courts of one country cannot pass on the validity of the public acts a foreign government takes on its own territory. This was sound law but risky politics, and Attorney General Kennedy deserves credit for it.

A Victory for Political Freedom

The Emergency Civil Liberties Committee and their counsel, Leonard Boudin, deserve applause for their successful defense of three students at Indiana University arrested under a 1951 State law "to exterminate Communism and Communists and any and all teachings of the same"—the barbarous language is that of the statute. Judge Nat U. Hill of the Monroe County Circuit Court held the law unconstitutional under the Supreme Court's 1956 decision voiding a similar Pennsylvania statute in the Steve Nelson case. The students were members of the Young Socialist Alliance, a Trotzkyist group.

To jettison this common sense rule in order to satisfy the anti-Castro passions of the moment would be to invite trouble. Only recently the U.S. itself argued the act of state doctrine when Swiss courts tried to interfere with our seizure of the Nazi-tainted I. G. Farben's American assets during the war. Expropriations for one reason or another are a common feature of the international landscape, by no means confined to Communist or even colonial countries. Our courts in the past have upheld the doctrine and refused to interfere when private suits were brought in past years to seize Mexican and later Russian Soviet assets in this country as compensation for property expropriated.

The Justice Department argued that decisions by American courts "striking down foreign official acts of state which impair American property interests will probably not be viewed abroad as dispassionate applications of neutral international law principles" but rather as "reflecting merely parochial American views partisan to American national interests." It said the way to deal with expropriations was by diplomacy. It cited successful negotiations with Mexico over seized U.S. agrarian and later oil properties. It pointed to the settlements reached with Yugoslavia, Rumania, Bulgaria and Poland on their post World War II property seizures and it said similar negotiations with Cuba "may prove possible in the course of time." A major obstacle is the State Department's fear of practicing the diplomacy the Justice Department advocates.

A Supreme Court Decision Which Views The World With Olympian Detachment

"There are few if any issues of international law today on which opinion seems to be so divided as the limitation on a State's power to expropriate the property of aliens. . . . Communist countries, although they have in fact provided a degree of compensation after diplomatic efforts, commonly recognize no obligation on the part of the taking country. Certain representatives of the newly independent and underdeveloped countries have questioned whether rules of state responsibility toward aliens can bind nations that have not consented to them and it is argued that the traditionally articulated standards governing expropriation of property reflect 'imperialist' interests and are inappropriate to the circumstances of emergent states.

"The disagreement as to relevant international law standards reflects an even more basic divergence between the national interests of capital importing and capital exporting nations and between the social ideologies of those countries that favor state control of the means of production and those that adhere to a free enterprise system. It is difficult to imagine the courts of this country embarking on adjudication in an area which touches more sensitively the practical and ideological goals of the various members of the community of nations. . . .

"Against the force of such considerations, we find respondents' countervailing arguments quite unpersuasive. Their basic contention is that U.S. courts could make a significant contribution to the growth of international law. . . . But given the fluidity of present world conditions, the effectiveness of such a patchwork approach towards the formulation of an acceptable body of law concerning state responsibility for expropriations is, to say the least highly conjectural. Moreover it rests upon the sanguine presupposition that the decisions of the courts of the world's major capital exporting country and principal exponent of the free enterprise system would be accepted as disinterested expressions of sound legal principles by those adhering to widely different ideologies."

—Mr. Justice Harlan's decision in the Cuban sugar case.

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Behind Latin America's Blind Oligarchies Too Often Stands Our Own

(Continued from Page One)

nesia. As long as it was somebody else's colonialism, we were all against it. But in Cuba when Castro dared touch the properties of United Fruit and Standard Oil, we rang down an iron curtain hard. That's something else we dare not think about.

Fulbright's Bravest "Unthinkable"

The closest Fulbright comes to the really "unthinkable" is his recognition that the character of the Latin American oligarchies makes it unlikely that social reform there can be achieved peacefully. But even he does not venture to say that behind the local oligarchies stand powerful private North American interests strong enough to frustrate even liberal U.S. policies as they did recently when they drove Juan Bosch out of the Dominican Republic, its first elected President in a generation, a man who was both a reformer and a democrat. The sugar and oil companies said he had to go, and he went.

Fulbright wisely asks us to look ahead and decide whether, if peaceful reform fails, and there are revolutions elsewhere in Latin America, we will tolerate or support them if they are not Commmunist but follow the Mexican or Nasserite pattern. He did not mention our bitter hostility to Mexican agrarian reform, or the Dulles veto on Aswan that nearly drove Nasser into the Soviet camp. Castro, too, tried to follow an independent or Titoist course, but we wouldn't let him. What needs even more to be said at this moment is that our Latin policy is turning in the other direction. With serious trouble ahead in Brazil and Chile, we are dropping hints that we are not as opposed as Kennedy was to military dictatorships. We preach social reform, but in a showdown prefer the bayonet. That way lies temporary relief and ultimate disaster. This, too, needs to be thought about before we find ourselves, rather than Castro, isolated in this hemisphere.

3. *China.* Here Fulbright makes China's abandonment of Formosa the condition of better relations. This is one of the most pernicious "unthinkables" of U.S. policy. When we deal with a subject on which both sides in the China civil war despite all their other violent differences are agreed, i.e. that Formosa is part of China, we had better reconcile ourselves to this as a fact of life. It is we who someday will have to renounce this distant island on another nation's doorstep.

4. *Vietnam,* where Fulbright was poorest. Here he sees the picture askew, as do McNamara and Rusk. The truth is that we are not defending South Vietnam from an invasion. We are continuing the French effort to impose a military dictatorship and foreign control on a people with an ancient sense of nationhood and a deep longing in modern times for democratic government. China's desire for trade with the West, Ho's desire for trade with the South and the National Liberation Front's program for a democratic neutralized South Vietnam provide the elements for a viable settlement. But in this inflammable area, Morse, Mansfield, Bartlett, Gruening, Church and Ellender have been more ready than Fulbright to think the unthinkable.

Who's Snowing Whom?

"Gen Khanh is developing a plan for national mobilization of all personnel and resources in South Vietnam. . . . We will provide the necessary financial assistance. . . . About $50,000,000 will be added to our foreign aid programs as a result."

—Secretary McNamara on NBC-TV "Sunday" Mar. 29.

"Khanh's bold-sounding proposal for a 'national mobilization' . . . so far has produced no results except confusion among government officials and panic among Saigon's non-mobilized youth. . . .

" 'The Vietnamese national mobilization plan has been announced in Washington and written about in Saigon,' said one source close to the Vietnamese government, 'but that's about all that has happened. . . .'

" 'Washington has jumped the gun on this mobilization idea,' one reliable American source said. 'Washington is probably seeking American popular support because more money will be poured in here. So much has been written about the Vietnamese not being with the war effort that Washington wanted to show the American people they are'."

—New York Herald-Tribune from Saigon same day.

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